

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
SAVANNAH DIV.
JUN 27 PM 2:40

FRANK D. MONSEGUE, SR.,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

CASE NOS. CV416-021
CR414-019


O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 15), to which objections have been filed (Doc. 18, 19.) After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 Petition is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner claims that this Court improperly participated in plea negotiations during a sidebar with counsel. (Doc. 18 at 6-7.) Also, Petitioner claims that the alleged participation was not transcribed

by the court reporter and made part of the record in this case. (Doc. 19 at 1.) Petitioner is wholly incorrect on both counts. First, the Court did not engage in plea negotiations, but simply inquired of defense counsel why Petitioner was wasting the jury's time by continuously changing his mind about pleading guilty. Second, this is made clear by the transcript of the exchange, which was transcribed and made part of the record. (CR414-019, Doc. 125 6:12 to 7:24 ("All right. As you know, this Court does not engage in any Rule 11 with y'all, and I don't intend to do that at this time. I don't understand the back-and-forth that's going on where, during the jury selection process, the defendant wants to plead, but we go ahead and pick the jury. After that, the defendant says he still wants to plead. Now, I'm told that the defendant does not want to plead. . . . [Y]'all sit down, and y'all talk about it, and then you tell me because I don't want to get involved in a time-consuming, useless process with this jury out here.").)

SO ORDERED this 27th day of June 2017.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA